

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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SOLICITOR

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Northern District of California ☒ Patents or ☐ Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT Northern District of California
PLAINTIFF SpeedTrack, Inc.		DEFENDANT Office Depot, Inc.; CDW Corporation; Newegg.com; Circuit City Stores, Inc.; PC Connection, Inc.; CompUSA, Inc.

PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 5,544,360	August 6, 1996	SpeedTrack, Inc.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY		
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

1 Access Platform,” to provide this searching functionality.

2 50. Upon information and belief, Defendant PC Connection has been and still is
3 indirectly infringing the ‘360 patent under 35 U.S.C. § 271(b) by actively inducing others, including,
4 but not limited to, visitors to its websites who search for products available for sale on the website
5 by selecting pre-defined categories descriptive of the products.

6 51. Upon information and belief, Defendant PC Connection has been and still is indirectly
7 infringing the ‘360 patent under 35 U.S.C. § 271(c) by providing, to visitors to its websites, software
8 for use in practicing the patented process(es) of the ‘360 patent and constituting a material part of
9 the invention, knowing the same to be especially made or especially adapted for use in an
10 infringement of the ‘360 patent, and not a staple article or commodity of commerce suitable for
11 substantial non-infringing use.

12 52. On information and belief, Defendant PC Connection will continue to infringe the
13 ‘360 Patent unless enjoined by this Court.

14 53. On December 20, 2006, Plaintiff sent written notice of the ‘360 patent and notice of
15 Plaintiff’s infringement allegation to Defendant PC Connection.

16 54. Upon information and belief, Defendant PC Connection’s foregoing acts of
17 infringement were and continue to be willful.

18 55. As a result of Defendant PC Connection’s infringement, Plaintiff SpeedTrack has
19 suffered monetary damages in an amount not yet determined, and will continue to suffer damages in
20 the future unless Defendant PC Connection’s infringing activities are enjoined by this Court.

21 56. Unless a preliminary and permanent injunction are issued enjoining Defendant PC
22 Connection and its agents, servants, employees, attorneys, representatives, and all others acting on
23 its behalf from infringing the ‘360 patent, Plaintiff will be greatly and irreparably harmed.

24 **SIXTH CLAIM FOR RELIEF**
25 **Against Defendant CompUSA**

26 **INFRINGEMENT OF U.S. PATENT NO. 5,544,360**

27 57. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1-11
28 of this Complaint as though fully set forth herein.

1 58. Defendant CompUSA has been and still is directly infringing the '360 patent under
2 35 U.S.C. § 271(a) by advertising, using, selling, and/or otherwise providing websites on the
3 Internet, such as under the URL www.compusa.com, which permit visitors to the websites to search
4 for products available for sale by selecting pre-defined categories descriptive of the products. Upon
5 information and belief, CompUSA utilizes, among other things, the "Endeca Information Access
6 Platform," to provide this searching functionality.

7 59. Upon information and belief, Defendant CompUSA has been and still is indirectly
8 infringing the '360 patent under 35 U.S.C. § 271(b) by actively inducing others, including, but not
9 limited to, visitors to its websites who search for products available for sale on the website by
10 selecting pre-defined categories descriptive of the products.

11 60. Upon information and belief, Defendant CompUSA has been and still is indirectly
12 infringing the '360 patent under 35 U.S.C. § 271(c) by providing, to visitors to its websites, software
13 for use in practicing the patented process(es) of the '360 patent and constituting a material part of
14 the invention, knowing the same to be especially made or especially adapted for use in an
15 infringement of the '360 patent, and not a staple article or commodity of commerce suitable for
16 substantial non-infringing use.

17 61. On information and belief, Defendant CompUSA will continue to infringe the '360
18 Patent unless enjoined by this Court.

19 62. On December 20, 2006, Plaintiff sent written notice of the '360 patent and notice of
20 Plaintiff's infringement allegation to Defendant CompUSA.

21 63. Upon information and belief, Defendant CompUSA's foregoing acts of infringement
22 were and continue to be willful.

23 64. As a result of Defendant CompUSA's infringement, Plaintiff SpeedTrack has
24 suffered monetary damages in an amount not yet determined, and will continue to suffer damages in
25 the future unless Defendant CompUSA's infringing activities are enjoined by this Court.

26 65. Unless a preliminary and permanent injunction are issued enjoining Defendant
27 CompUSA and its agents, servants, employees, attorneys, representatives, and all others acting on
28 its behalf from infringing the '360 patent, Plaintiff will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff SpeedTrack, Inc. prays for judgment against each Defendant as follows:

(1) For a judicial determination and declaration that each Defendant has directly infringed, and continues to directly infringe, United States Letters Patent No. 5,544,360;

(2) For a judicial determination and declaration that each Defendant has induced, and continues to induce, the infringement of United States Letters Patent No. 5,544,360;

(3) For a judicial determination and declaration that each Defendant has contributed to, and continues to contribute to, the infringement of United States Letters Patent No. 5,544,360;

(4) For a judicial determination and decree that each Defendants' infringement of United States Letters Patent No. 5,544,360 has been, and continues to be, willful and deliberate;

(5) For a judicial determination and decree that each Defendant and its respective subsidiaries, officers, agents, servants, employees, licensees, and all other persons or entities acting or attempting to act in active concert or participation with them or acting on their behalf, be preliminarily and permanently enjoined from further infringement of the '360 Patent;

(6) For a judicial decree that orders each Defendant to account for and pay to SpeedTrack all damages caused to SpeedTrack by reason of each Defendant's infringement pursuant to 35 U.S.C. Section 284, including enhanced damages under 35 U.S.C. Section 285;

(7) For an award of damages according to proof at trial;

(8) For a judicial declaration that this case is exceptional under 35 U.S.C. Section 285 and that Defendants be ordered to pay SpeedTrack's costs, expenses, and reasonable attorney's fees pursuant to 35 U.S.C. Sections 284 and 285;

(9) For a judicial order awarding to SpeedTrack pre-judgment and post-judgment interest on the damages caused to it by each Defendants' infringement; and

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1 (10) For any such other and further relief as the Court may deem just and proper under the
2 circumstances.

3
4 DATED: July 11, 2007

HENNIGAN BENNETT & DORMAN LLP
Roderick G. Dorman
Alan P. Block
Marc Morris
Kevin Shenkman

7 By 
8 Alan P. Block

9 Attorneys for Plaintiff,
10 SPEEDTRACK, INC.

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DATED: July 11, 2007

By Alan P. Block

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RICHARD W. HICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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SPEEDTRACK, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SPEEDTRACK, INC.,

Plaintiff,

vs.

OFFICE DEPOT, INC.; CDW CORPORATION;
NEWEGG.COM; CIRCUIT CITY STORES,
INC.; PC CONNECTION, INC.; COMPUSA,
INC.

Defendants.

Case No. **07 3602**

COMPLAINT FOR PATENT
INFRINGEMENT, PERMANENT
INJUNCTION, AND DAMAGES

DEMAND FOR JURY TRIAL

1 For its complaint against Defendants Office Depot, Inc. ("Office Depot"); CDW Corporation
2 ("CDW"); Newegg.Com ("Newegg"); Circuit City Stores, Inc. ("Circuit City"); PC Connection, Inc.
3 ("PC Connection"); and CompUSA, Inc. ("CompUSA") (hereinafter collectively "Defendants"),
4 Plaintiff SpeedTrack, Inc. ("SpeedTrack") alleges as follows:

5 **JURISDICTION AND VENUE**

6 1. This is a civil action arising in part under laws of the United States relating to patents
7 (35 U.S.C. §§ 271, 281, 283, 284, and 285). This court has federal jurisdiction of such federal
8 question claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9 2. Personal jurisdiction as to each defendant is proper in the State of California and in
10 this judicial district. Each defendant operates an interactive Internet website in which each
11 defendant conducts substantial amounts of commerce by selling goods within this State and within
12 this judicial district, thereby making each defendants' Internet business contacts with this State and
13 with this judicial district substantial, continuous, and systematic. The acts and transactions
14 complained of herein were intentionally carried out by each defendant on an interactive website
15 directed to persons residing in this State and judicial district and thus were made effective and had
16 harmful effect within this State and within this district. Defendants Office Depot, Circuit City, and
17 CompUSA each have regular and established places of business in this State and in this judicial
18 district.

19 3. Venue is proper under 28 U.S.C. §§ 1391(b) and 1400(b), in that each Defendant
20 resides in this judicial district pursuant to 28 U.S.C. § 1391(c) and in that each Defendant has
21 committed acts of infringement in this judicial district.

22 **THE PARTIES**

23 4. Plaintiff SpeedTrack, Inc. is a corporation duly organized and existing under the laws
24 of the State of California, with its principal place of business at 19713 Yorba Linda Blvd., #197,
25 Yorba Linda, California 92886. SpeedTrack is the owner by assignment of all rights and interests in
26 U.S. Patent No. 5,544,360 ("the '360 patent").

27 5. Defendant Office Depot is a corporation duly organized and existing under the laws
28 of the State of Delaware, with a principal place of business at 2200 Old Germantown Road, Delray

1 Beach, Florida 33445.

2 6. Defendant CDW is a corporation duly organized and existing under the laws of the State
3 of Illinois, with a principal place of business at 200 N. Milwaukee Avenue, Vernon Hills, Illinois
4 60061.

5 7. Defendant Newegg is a corporation duly organized and existing under the laws of the
6 State of Delaware, with a principal place of business at 16839 E. Gale Avenue, City of Industry, CA
7 91745.

8 8. Defendant Circuit City is a corporation duly organized and existing under the laws of the
9 State of Virginia, with a principal place of business at 9950 Maryland Drive, Richmond, VA 23233.

10 9. Defendant PC Connection is a corporation duly organized and existing under the laws of
11 the State of Delaware, with a principal place of business at Rt. 101A, 730 Milford Road, Merrimack,
12 NH 03054.

13 10. Defendant CompUSA is a corporation duly organized and existing under the laws of the
14 State of Delaware, with a principal place of business at 14951 N. Dallas Parkway, Dallas, TX
15 75254.

16 **SPEEDTRACK'S U.S. PATENT NO. 5,544,360**

17 11. On August 6, 1996, the United States Patent and Trademark Office duly and legally
18 issued United States Letters Patent No. 5,544,360, entitled "METHOD FOR ACCESSING
19 COMPUTER FILES AND DATA, USING LINKED CATEGORIES ASSIGNED TO EACH
20 DATA FILE RECORD ON ENTRY OF THE DATA FILE RECORD," for inventions comprising
21 systems and methods for accessing information in a data storage system. Plaintiff SpeedTrack is the
22 owner by assignment of the entire right, title, and interest in and to the '360 patent. (A true and
23 correct copy of the '360 patent is attached hereto as Exhibit 1).

24 **FIRST CLAIM FOR RELIEF**
25 **Against Defendant Office Depot**

26 **INFRINGEMENT OF U.S. PATENT NO. 5,544,360**

27 12. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1-11
28 of this Complaint as though fully set forth herein.

1 13. Defendant Office Depot has been and still is directly infringing the '360 patent under
2 35 U.S.C. § 271(a) by advertising, using, selling, and/or otherwise providing websites on the
3 Internet, such as under the URL www.officedepot.com, which permit visitors to the websites to
4 search for products available for sale by selecting pre-defined categories descriptive of the products.
5 Upon information and belief, Office Depot utilizes, among other things, software provided by
6 Endeca Technologies, Inc. ("Endeca"), referred to by Endeca as the "Endeca Information Access
7 Platform," to provide this searching functionality.

8 14. Upon information and belief, Defendant Office Depot has been and still is indirectly
9 infringing the '360 patent under 35 U.S.C. § 271(b) by actively inducing others, including, but not
10 limited to, visitors to its websites who search for products available for sale on the website by
11 selecting pre-defined categories descriptive of the products.

12 15. Upon information and belief, Defendant Office Depot has been and still is indirectly
13 infringing the '360 patent under 35 U.S.C. § 271(c) by providing, to visitors to its websites, software
14 for use in practicing the patented process(es) of the '360 patent and constituting a material part of
15 the invention, knowing the same to be especially made or especially adapted for use in an
16 infringement of the '360 patent, and not a staple article or commodity of commerce suitable for
17 substantial non-infringing use.

18 16. On information and belief, Defendant Office Depot will continue to infringe the '360
19 Patent unless enjoined by this Court.

20 17. On December 20, 2006, Plaintiff sent written notice of the '360 patent and notice of
21 Plaintiff's infringement allegation to Defendant Office Depot.

22 18. Upon information and belief, Defendant Office Depot's foregoing acts of
23 infringement were and continue to be willful.

24 19. As a result of Defendant Office Depot's infringement, Plaintiff SpeedTrack has
25 suffered monetary damages in an amount not yet determined, and will continue to suffer damages in
26 the future unless Defendant Office Depot's infringing activities are enjoined by this Court.

27 20. Unless a preliminary and permanent injunction are issued enjoining Defendant Office
28 Depot and its agents, servants, employees, attorneys, representatives, and all others acting on its

1 behalf from infringing the '360 patent, Plaintiff will be greatly and irreparably harmed.

2 **SECOND CLAIM FOR RELIEF**
3 **Against Defendant CDW**

4 **INFRINGEMENT OF U.S. PATENT NO. 5,544,360**

5 21. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1-11 of
6 this Complaint as though fully set forth herein.

7 22. Defendant CDW has been and still is directly infringing the '360 patent under 35 U.S.C.
8 § 271(a) by advertising, using, selling, and/or otherwise providing websites on the Internet, such as
9 under the URL www.cdw.com, which permit visitors to the websites to search for products available
10 for sale by selecting pre-defined categories descriptive of the products. Upon information and
11 belief, CDW utilizes, among other things, the "Endeca Information Access Platform," to provide
12 this searching functionality.

13 23. Upon information and belief, Defendant CDW has been and still is indirectly infringing
14 the '360 patent under 35 U.S.C. § 271(b) by actively inducing others, including, but not limited to,
15 visitors to its websites who search for products available for sale on the website by selecting pre-
16 defined categories descriptive of the products.

17 24. Upon information and belief, Defendant CDW has been and still is indirectly infringing
18 the '360 patent under 35 U.S.C. § 271(c) by providing, to visitors to its websites, software for use in
19 practicing the patented process(es) of the '360 patent and constituting a material part of the
20 invention, knowing the same to be especially made or especially adapted for use in an infringement
21 of the '360 patent, and not a staple article or commodity of commerce suitable for substantial non-
22 infringing use.

23 25. On information and belief, Defendant CDW will continue to infringe the '360 Patent
24 unless enjoined by this Court.

25 26. On December 20, 2006, Plaintiff sent written notice of the '360 patent and notice of
26 Plaintiff's infringement allegation to Defendant CDW.

27 27. Upon information and belief, Defendant CDW's foregoing acts of infringement were and
28 continue to be willful.

1 28. As a result of Defendant CDW's infringement, Plaintiff SpeedTrack has suffered
2 monetary damages in an amount not yet determined, and will continue to suffer damages in the
3 future unless Defendant CDW's infringing activities are enjoined by this Court.

4 29. Unless a preliminary and permanent injunction are issued enjoining Defendant CDW and
5 its agents, servants, employees, attorneys, representatives, and all others acting on its behalf from
6 infringing the '360 patent, Plaintiff will be greatly and irreparably harmed.

7 **THIRD CLAIM FOR RELIEF**
8 **Against Defendant Newegg**

9 **INFRINGEMENT OF U.S. PATENT NO. 5,544,360**

10 30. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1-11
11 of this Complaint as though fully set forth herein.

12 31. Defendant Newegg has been and still is directly infringing the '360 patent under 35
13 U.S.C. § 271(a) by advertising, using, selling, and/or otherwise providing websites on the Internet,
14 such as under the URL www.newegg.com, which permit visitors to the websites to search for
15 products available for sale by selecting pre-defined categories descriptive of the products. Upon
16 information and belief, Newegg utilizes, among other things, the "Endeca Information Access
17 Platform," to provide this searching functionality.

18 32. Upon information and belief, Defendant Newegg has been and still is indirectly
19 infringing the '360 patent under 35 U.S.C. § 271(b) by actively inducing others, including, but not
20 limited to, visitors to its websites who search for products available for sale on the website by
21 selecting pre-defined categories descriptive of the products.

22 33. Upon information and belief, Defendant Newegg has been and still is indirectly
23 infringing the '360 patent under 35 U.S.C. § 271(c) by providing, to visitors to its websites, software
24 for use in practicing the patented process(es) of the '360 patent and constituting a material part of
25 the invention, knowing the same to be especially made or especially adapted for use in an
26 infringement of the '360 patent, and not a staple article or commodity of commerce suitable for
27 substantial non-infringing use.

1 34. On information and belief, Defendant Newegg will continue to infringe the '360
2 Patent unless enjoined by this Court.

3 35. On December 20, 2006, Plaintiff sent written notice of the '360 patent and notice of
4 Plaintiff's infringement allegation to Defendant Newegg.

5 36. Upon information and belief, Defendant Newegg's foregoing acts of infringement
6 were and continue to be willful.

7 37. As a result of Defendant Newegg's infringement, Plaintiff SpeedTrack has suffered
8 monetary damages in an amount not yet determined, and will continue to suffer damages in the
9 future unless Defendant Newegg's infringing activities are enjoined by this Court.

10 38. Unless a preliminary and permanent injunction are issued enjoining Defendant
11 Newegg and its agents, servants, employees, attorneys, representatives, and all others acting on its
12 behalf from infringing the '360 patent, Plaintiff will be greatly and irreparably harmed.

13 **FOURTH CLAIM FOR RELIEF**
14 **Against Defendant Circuit City**

15 **INFRINGEMENT OF U.S. PATENT NO. 5,544,360**

16 39. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1-11
17 of this Complaint as though fully set forth herein.

18 40. Defendant Circuit City has been and still is directly infringing the '360 patent under
19 35 U.S.C. § 271(a) by advertising, using, selling, and/or otherwise providing websites on the
20 Internet, such as under the URL www.circuitcity.com, which permit visitors to the websites to
21 search for products available for sale by selecting pre-defined categories descriptive of the products.
22 Upon information and belief, Circuit City utilizes, among other things, the "Endeca Information
23 Access Platform," to provide this searching functionality.

24 41. Upon information and belief, Defendant Circuit City has been and still is indirectly
25 infringing the '360 patent under 35 U.S.C. § 271(b) by actively inducing others, including, but not
26 limited to, visitors to its websites who search for products available for sale on the website by
27 selecting pre-defined categories descriptive of the products.
28

1 42. Upon information and belief, Defendant Circuit City has been and still is indirectly
2 infringing the '360 patent under 35 U.S.C. § 271(c) by providing, to visitors to its websites, software
3 for use in practicing the patented process(es) of the '360 patent and constituting a material part of
4 the invention, knowing the same to be especially made or especially adapted for use in an
5 infringement of the '360 patent, and not a staple article or commodity of commerce suitable for
6 substantial non-infringing use.

7 43. On information and belief, Defendant Circuit City will continue to infringe the '360
8 Patent unless enjoined by this Court.

9 44. On December 20, 2006, Plaintiff sent written notice of the '360 patent and notice of
10 Plaintiff's infringement allegation to Defendant Circuit City.

11 45. Upon information and belief, Defendant Circuit City's foregoing acts of infringement
12 were and continue to be willful.

13 46. As a result of Defendant Circuit City's infringement, Plaintiff SpeedTrack has
14 suffered monetary damages in an amount not yet determined, and will continue to suffer damages in
15 the future unless Defendant Circuit City's infringing activities are enjoined by this Court.

16 47. Unless a preliminary and permanent injunction are issued enjoining Defendant
17 Circuit City and its agents, servants, employees, attorneys, representatives, and all others acting on
18 its behalf from infringing the '360 patent, Plaintiff will be greatly and irreparably harmed.

19 **FIFTH CLAIM FOR RELIEF**
20 **Against Defendant PC Connection**

21 **INFRINGEMENT OF U.S. PATENT NO. 5,544,360**

22 48. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1-11
23 of this Complaint as though fully set forth herein.

24 49. Defendant PC Connection has been and still is directly infringing the '360 patent
25 under 35 U.S.C. § 271(a) by advertising, using, selling, and/or otherwise providing websites on the
26 Internet, such as under the URL www.pcconnection.com, which permit visitors to the websites to
27 search for products available for sale by selecting pre-defined categories descriptive of the products.
28 Upon information and belief, PC Connection utilizes, among other things, the "Endeca Information